

Attorney Docket: 112.P55007
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REMARKS

The present patent application has been reviewed in light of the Office Action, referenced above, in which claims 25-26 and 29 are objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 30 is objected to due to an informality. Claims 22-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Os et al., U.S. Patent No. 6,480,304 (hereinafter "Os") in view of Motoyama, U.S. Patent No. 6,330,628 (hereinafter "Motoyama"). Entry and consideration of this submission is respectfully requested.

Claims 22-44 are pending. Claims 25-26, 29, 31, and 38 have been amended. No new matter has been added. Assignee has amended claims to more clearly delineate intended subject matter. Amendments to claims are made without prejudice or disclaimer, and Assignee believes that none of the clarifying claim amendments constitute narrowing amendments. Accordingly, Assignee does not intend to surrender claimed subject matter by submission of the above amendments and no prosecution history estoppel should apply.

Objections to the Claims

Claims 25-26 and 29 have been amended to place the claims in proper dependent form. Therefore, Assignee respectfully requests that the objection to these claims be withdrawn.

With regard to claim 30, the Assignee believes that the Examiner is mistaken as to the present language of claim 30. In the office action, the Examiner mentions that at claim 30, beginning at the end of line 8 and continuing to line 9, the phrase "a plurality of" is written twice. However, the Assignee respectfully notes that claim 30 currently

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reads "a priority of a plurality" and that there is no repeat of the phrase "a plurality of" at the end of line 8 and continuing to line 9. The Assignee respectfully requests that the objection to claim 30 be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 22-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Os in view of Motoyama.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." MPEP § 2143.

Assignee respectfully submits that the Examiner has not established a *prima facie* case of obviousness.

The cited patents do not teach or suggest all the limitations of the aforementioned claims. For example, the Examiner states in the office action that Os does not disclose "automatically detecting the plurality of communication gateways, and...determining a priority of each of the plurality of communication gateways".
(Office Action, page 4, lines 3-5, quoting language from claim 22)

Motoyama also fails to disclose "automatically detecting the plurality of communication gateways and...determining a priority of each of the plurality of communication gateways" as claimed in claim 22. To the contrary, Motoyama does

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not discuss priority among gateways at all. In the office action (page 4, lines 18-20), the Examiner points to column 4, lines 35-50 to support the assertion that Motoyama discloses automatic detection of gateways and determining priority. However, at column 4, lines 35-50, Motoyama does not discuss determining priority for a plurality of gateways, but rather discloses the identification of a communication format using a protocol identifier and a database. Again, there is no teaching of determining a priority for a plurality of communication gateways, as claimed in claim 22.

Because neither Os nor Motoyama disclose "automatically detecting the plurality of communication gateways and...determining a priority of each of the plurality of communication gateways" as claimed in claim 22, any combination of Os and Motoyama would not yield all of the limitations of claim 2. Therefore, claim 1 patently distinguishes over Os and Motoyama.

Claims 30, 31, and 38 include similar limitations, and therefore claims 30, 31, and 38, and the claims that depend from them, are patently distinguished over Os and Motoyama. The Assignee respectfully requests that the rejection of claims 22-44 be withdrawn.

It is noted that claimed subject matter may be patentably distinguished from the cited patents and/or patent application for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

To: MAIL STOP AMENDMENT

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CONCLUSION

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In view of the foregoing, it is respectfully asserted that all of the claims pending in the present patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Entry of this amendment and reconsideration of the present patent application in view of the same, and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to deposit account no. 50-3703.

Respectfully submitted,

Dated: 3/20/07

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